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OCT 16 2000

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**BY HAND**

Ms. Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
12th Street Lobby  
Counter TW-A325  
Washington, DC 20554

Re: **Ex Parte Notification**  
Docket No. 98-120

Dear Ms. Secretary:

Representatives of the Association for Maximum Service Television, Inc., listed on the attachment, met on October 12, 2000, with Mr. William J. Friedman, Mass Media Assistant to Commissioner Gloria Tristani; Mss. Kathryn C. Brown and Karen E. Onyeije, Chief of Staff and Mass Media Legal Advisor, respectively, to Chairman William Kennard; Dr. Robert Pepper, Chief of the Office of Plans and Policy; Commissioner Susan Ness; Commissioner Harold Furchtgott-Roth; and Commissioner Michael Powell and his advisors, Mr. Paul Jackson and Ms. Laura Newman.

The general topic of the meeting was the DTV transition. MSTV emphasized that the transition is a four-legged stool. Broadcasters must do their part, and they are -- 158 DTV stations on the air covering two-thirds of the American public, many more under construction, hundreds and hundreds of applications pending at the FCC, and all but one CBS prime-time TV program in HDTV. Stations throughout the country are broadcasting their local news in high definition for as many as 30 hours per week. Many stations are also using their digital capacity to transmit a local weather service at all times with a live Doppler radar picture. One station in Indianapolis carried four different basketball games during the early rounds of the NCAA basketball playoffs this past spring and transmitted the Final Four in HDTV. These are just anecdotes which don't cover the many innovative HDTV and other DTV transmissions that stations across the country are putting out over the air, even though they have virtually no audience.

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But broadcasters do not have control over the other three legs of the stool -- receiver manufacturers (with whom MSTV is currently working on transmission testing), cable (which controls access to 70% of their viewing audience), and the government. Without similar advances being made with respect to these other aspects of the transition, the DTV transition will not succeed. Since effective progress is not being achieved in these other three spheres, the DTV transition is stalled.

In some Commissioners' offices, we were asked about the VSB-COFDM tests that MSTV, along with NAB, PBS/APTS and 26 other broadcast organizations of all persuasions concerning the transmission standard, are conducting. The VSB/COFDM Project is an all-industry \$2.1 million effort to conduct parallel scientific and impartial investigations and testing of improvements to VSB implementation and of COFDM technologies for existing and new services. We clarified, particularly with the Chairman's office, a number of points:

- The purpose of the tests is to resolve the transmission dispute in the private sector on the basis of scientific fact and thereby expedite the transition;
- MSTV has no position on the outcome of either investigation;
- MSTV is coordinating with OET's own independent testing process;
- MSTV opposes restructuring the DTV table which MSTV worked with the FCC to construct and to defend in court; and
- The outcome of the tests has nothing to do with the need for action on cable interoperability, cable carriage issues (other than must-carry), DTV must carry and receiver performance thresholds.

Accordingly, the Chairman's speech on October 10 blaming broadcasters for problems with the transition and proposing a "hard" give-back of analog channels in 2006 is based on a misunderstanding of the situation and overlooks the key roles played by the other three legs in permitting the present impasse to develop despite broadcasters' efforts to facilitate the transition.

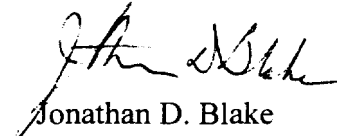
The meetings covered ground that was addressed in previous MSTV filings (including ex parte submissions), particularly in Docket 98-120, which addresses three groups of

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issues that need to be resolved: (1) cable interoperability issues, (2) carriage issues other than must-carry and (3) DTV must-carry. The discussions also addressed the need for minimum receiver performance benchmarks to protect the consumer and advance the transition.

Respectfully submitted,



Jonathan D. Blake

Attorney for  
Association for Maximum  
Service Television, Inc.

Enclosure

cc: Commissioner Susan Ness  
Commissioner Harold Furchtgott-Roth  
Commissioner Michael Powell  
Mr. Paul Jackson (Office of Commissioner Powell)  
Ms. Laura Newman (Office of Commissioner Powell)  
Ms. Kathryn C. Brown (Office of Chairman Kennard)  
Ms. Karen Edwards Onyeije (Office of Chairman Kennard)  
Mr. William J. Friedman (Office of Commissioner Gloria Tristani)  
Dr. Robert Pepper (Office of Plans & Policy)  
CS Docket No. 98-120

October 13, 2000

**MSTV REPRESENTATIVES**

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President & CEO  
LIN Television, Inc.

David J. Barrett, MSTV Director  
President & Co-CEO  
Hearst-Argyle Television, Inc.

Elizabeth M. Burns, MSTV Director  
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Morgan Murphy Stations

William F. Duhamel, MSTV Director  
President & CEO  
Duhamel Broadcasting Enterprises

Steve Goldman, MSTV Director  
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Stephen P. Flanagan, Chairman of MSTV Engineering Committee  
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